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### Town and Country Planning Act 1990 and its orders

## **FULL PLANNING PERMISSION GRANTED**

**LOCATION:** Land at 23-26 Mary Arches Street and Quintana Gate, Bartholomew Street West, Exeter, EX4

**PROPOSAL:** The demolition of 23-26 Mary Arches Street and Quintana Gate, Bartholomew Street West, and the construction of 127 student flats and studios (sui generis use), communal facilities and associated infrastructure

**APPLICATION NUMBER:** 16/0662/03

The Local Planning Authority grants planning permission for the above development subject to the following conditions:-

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
**Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 4th July 2016 (*1435\_P2.01\_B; 1435\_P2.02\_B; 1435\_P2.03\_D; 1435\_P2.04\_H*) and 8th July 2016 (*Dwg. No(s). 1435\_P2.14\_G; 1435\_P2.24\_F; 1435\_P2.34\_F; 1435\_P2.51\_E; 1435\_P2.50\_D; 1435\_P2.52\_D; 1435\_P2.53\_C; 1435\_P2.54\_C; 1435\_D.01\_A*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3 Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

- 4 No part of the development hereby approved shall be brought into its intended use until secure cycle parking facilities have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**REASON:** To provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site.

- 5 Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

**REASON:** To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved

- 7 In the event that contamination is found at any time when carrying out the approved development that was previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and updated risk assessment must be undertaken, and where remediation is necessary an amended remediation scheme must be prepared and submitted in writing to the Local Planning Authority for approval.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 8 **Pre-commencement condition:** No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

a) There shall be no burning on site during demolition, construction or site preparation works;

b) Unless otherwise agreed in writing, no construction or demolition works shall be

carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance;

d) details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

**Reason for Pre-commencement condition:** In the interests of the occupants of nearby buildings.

- 9 In the event of failure of any trees planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

- 10 **Pre-commencement condition:** Prior to commencement of the development, the developer shall submit for the approval in writing by the LPA a Scheme for sound insulation and ventilation of the approved residential units. The scheme shall achieve at least the levels of acoustic performance specified in Section 4.1 of the Noise Assessment (Waterman Infrastructure and Environment Ltd May 2016) submitted with the application. The approved insulation and ventilation works shall be implemented in full prior to occupation of the development and maintained thereafter.

**Reason for Pre-commencement condition:** In the interests of the amenity of the occupants of the building(s) hereby approved.

- 11 **Pre-commencement condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

**Reason for Pre-commencement condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

- 12 Prior to occupation of any dwelling hereby approved details of provision for bats and nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB and DBRC. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

**Reason:** In the interests of preservation and enhancement of biodiversity in the locality.

- 13 The rating noise level (measured in accordance with BS4142:2014) from all mechanical building services plant shall not exceed 40 dB (07:00-23:00) and 35 dB (23:00-07:00) at any noise sensitive receptor.  
**Reason:** In the interests of the amenity of the occupants of the building(s) hereby approved.
- 14 No part of the development hereby approved shall be brought into its intended use until the onsite loading bay on Bartholomew Street West, as indicated on Drawing Proposed Site Plan 1435\_P2.04\_H, has been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.  
**REASON:** To provide suitable facilities for the traffic attracted to the site.
- 15 **Pre-commencement condition:** No development shall take place, including any works of demolition, until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority.  
  
The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.  
**REASON for Pre-commencement condition:** In the interests of highway safety and public amenity.
- 16 The buildings hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1<sup>st</sup> January 2019. Prior to commencement of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report, the score expected to be achieved and which standard this relates to. Where this does not meet the minimum required standard the developer must provide details of what changes will be made to the development to achieve the minimum standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of any such building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.  
**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

**Notes to Applicant:**

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

**Notes to Applicant:**

The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an

'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://www.exeter.gov.uk/cil).

**Notes to Applicant:**

A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

**Please note that this is not a decision under the Building Regulations.**

Signed   
Assistant Director City Development

Dated: 17 October 2016